

Application No. 09/787,549  
Amendment filed December 1, 2003  
Reply to Office Action dated July 29, 2003

Attorney Docket No. 001560-392  
Page 6 of 8

### Remarks

Claims 1-13 and 15-18 are pending, with claims 1 and 16 being in independent form. By the present amendment, claims 1, 15, and 16 have been amended and claim 14 has been canceled without prejudice or disclaimer.

As a preliminary matter, the Examiner has returned form PTO-1449 without initialing the box adjacent to the listed Nikkei Electronics publication. The form was submitted by the Applicants on June 1, 2001, as part of the First Information Disclosure Statement. The Examiner is requested to return a properly Examiner-initialed copy of the form to the undersigned indicating that all documents have been considered. The Examiner is invited to contact the undersigned immediately if the Nikkei Electronics publication cannot be located.

In the Office Action, claims 1-18 (claims 24-32 are incorrectly identified in item 4 of the Action) stand rejected as anticipated by U.S. Pat. No. 6,405,203 to Collart ("Collart").

Applicant describes a copyright information management system including a copyright information management center, provided in a product distribution environment where products, in the form of digital content, are distributed through electronic transmission between a product provider comprising at least one of a copyright owner creating a product and a distributor distributing the product, and a product user receiving the product from the product provider. The system exchanges copyright information relating to the product through the electronic transmission with both of the product provider and the product user. The copyright information management center centrally manages all copyright information existing in the product distribution environment through the electronic transmission by preregistering copyright information relating to the individual products in the center. The copyright information includes product provider information and product information and is available for retrieval by the product user at a time beginning prior to receiving the product in a final form. That is, inquiries regarding the product can be made to the copyright information management center by the product user at the time of the transaction.

To support a rejection under 35 U.S.C. § 102, each and every feature of the claimed invention must be shown in a single prior art document. In re Paulsen, 30

Application No. 09/787,549  
Amendment filed December 1, 2003  
Reply to Office Action dated July 29, 2003

Attorney Docket No. 001560-392  
Page 7 of 8

F.3d 1475 (Fed. Cir. 1994); In re Robertson, 169 F.3d 743 (Fed. Cir. 1999). The pending claims positively recite limitations that are not disclosed (nor suggested) in the cited document.

Collart relates to a method and system for tracking the distribution of conventional electronic storage medium-based products, such as DVDs or CDs. A consumer purchases and receives a physical product in the form of a packaged electronic storage medium at a store or through the mail, for example. The medium itself and the package the medium is sold in both contain a storage medium tracking identifier. See Abstract and col. 5, l. 62 to col. 6, l. 62.

The system in Collart does not disclose (or suggest) a copyright information management center, provided in a product distribution environment where products, in the form of digital content, are distributed through electronic transmission between a product provider comprising at least one of a copyright owner creating a product and a distributor distributing the product, and a product user, as defined by amended claims 1 and 16.

The system in Collart is concerned with tracking electronic storage medium-based products shipped in packages. Collart does not disclose managing copyright information in digital content that distributed through electronic transmission, i.e., is communicated electronically. As can be appreciated, the copyright management needs of electronically communicated digital content are quite different from the needs of tracking electronic storage media.

Moreover, Collart fails to disclose (or suggest) that copyright information is available for retrieval by the product user at a time beginning prior to receiving the product in a final form, as defined by claims 1 and 16 (see also the specification, page 8, ll. 29-33). In Collart, a consumer must first purchase the media, e.g., a DVD, and then bring it home, open the packaging, insert it into a home computer, and launch some form of application prior to retrieving any information about the media or its content. See col. 13, l. 66 to col. 14, l. 15. In contrast to the claimed invention, a product user in Collart must consummate the purchase prior to retrieving any information about the media or its content. The information is not available to product users in deciding on whether or not to complete the transaction.

Application No. 09/787,549  
Amendment filed December 1, 2003  
Reply to Office Action dated July 29, 2003

Attorney Docket No. 001560-392  
Page 8 of 8

Accordingly, since Collart fails to disclose each and every feature of the claimed invention for at least the above reasons, claims 1-13 and 15-18 are not anticipated by Collart.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Theodosios Thomas  
Registration No. 45,159

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(919) 941-9240

Date: December 1, 2003

I hereby certify that this correspondence is being sent by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 to the following facsimile number:

Facsimile Number: 703 872 9328  
Date of Transmission: December 1, 2003

  
Ted Thomas